

# **CRZ NOTIFICATION: A CASE STUDY**



## **National Consultation on Environment, Human Rights and Law**

Organized by:

Environmental Justice Initiative (EJI) of  
Human Rights Law Network (HRLN)

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EQUATIONS

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# Outline of Presentation

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1. What is CRZ Notification?
2. How Successful is CRZ Notification?
3. Procedural Lapses.
4. Dilution of Protection Clauses in CRZ Notification.
5. Non-Compliance of CRZ: Arguments by State Governments.
6. Recent Developments: Proposal of MoEF.
7. Concerns.
8. Recommendations

# What is CRZ Notification?

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- Issued in 1991 under the Environment Protection Act and Rules of 1986.
- ***Primary objective:***  
**Protect and improve coastal environment of India by restricting and regulating human activities on the coast.**
- ***Basic Character:***
  - (a) Principle and Specialized legislation that guides anthropogenic activities on the coast.
  - (b) Does not impose a blanket ban on all activities on the coast.
  - (c) Attempts to balance the needs of anthropogenic activities and coastal biodiversity conservation.
- ***Jurisdictional classification based on:***
  - (a) Geomorphological characters and
  - (b) Anthropogenic activities.



# How Successful has been CRZ Notification?

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**Absolutely inadequate**

# Procedural Failure - CZMP

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- None of the State Governments submitted CZMP within mandatory period of 1 year in 1992.
- Supreme Court had to step in to direct them to submit CZMP in 1996.
- Thereafter submitted, but MoEF granted only conditional approval and asked to re-submit revised CZMPs.
- Till date, those conditions have not been incorporated and no revised edition re-submitted to MoEF.

**Example:** In Tamil Nadu, only 10 out of 31 maps were approved by MoEF. Revision not undertaken

**Effect :** Grassroots organisations allege that most of the State CZMPs have incorrectly classified the CRZ areas thereby allowing various activities in ecologically sensitive and fragile zones.

# Procedural Failure: SCZMAs & NCZMA

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- Compared to other authorities constituted u/EPA, the SCZMAs have a fairly extensive and important mandate:
  - (a) Monitor and implement the provisions of the CRZ Notification.
  - (b) Recommending projects for clearance to both state and central Govt.
  - (c) Empowered to “take action and issue directions.”
  - (d) Enforce and impose penalties for violations of CRZ Notification.



# Procedural Failure: SCZMAs, NCZMA and others contd.....

## *Example on SCZMAs & NCZMAS failure:*

In TN the term of SCZMA expired in Jan 2005 (days after Tsunami) and was not extended. Not renewed till date. NCZMA expired in 2004.

## *Effect:*

Rehabilitation and reconstruction activities within CRZ after Tsunami, that legally calls for permissions could not be taken and hence can be declared illegal in future. **Have created chaos and confusion.**

- **MoEF failed to evolve guidelines of HTL and LTL demarcation.** So, in none of the States, such demarcation has been done, for identification of zones and field implementation of the Notification.

# Dilutions

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- **19 amendments in 15 years have diluted the basic objective and essence of the Notification**- protection of coast.
- Such amendments introduced newer clauses rendering meaningless several of the protective clauses of the original Notification.

## *Example:*

1st amendment in 1994: Reduced “No Development Zone (NDZ)” all along the coast from 200 to 50 mts - under pressure from tourism lobby.



# Dilutions contd....

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*Example:*

1st amendment in 1994: Reduced “No Development Zone (NDZ)” all along the coast from 200 to 50 mts - under pressure from tourism lobby.

- Demand was ONLY for selected coastal stretches, however, MoEF overacted and diluted the entire coastal stretch.
- Thereafter, Supreme Court quashed the amendment.
- Subsequently, in July 2003, NDZ again was reduced to 50 mts in A&N Islands and Lakshwadeep specifically for tourism development 40 islands were opened up for “ecotourism”.
- The said amendment was based on Integrated Coastal Zone Management Plan prepared by MoEF.

# Dilutions contd.....

- The Notification states: "*Clearance shall be given for any activity within the CRZ – only if it requires water front and foreshore facilities.*"
- Scanning of the said 19 amendments show **relaxation for industrial and other commercial activities.**

*Example: Following have been allowed :*

- a. Nuclear power installations
- b. Expansion of SEZs.
- c. Non-polluting industries like IT
- d. Construction of airstrips and associated facilities in islands of A&N and Lakshwadeep.
- e. Extension of sand mining till date in A&N though the first permission was granted in 1997 on non-renewal basis.

**Not clear why they require water front and foreshore facilities!!**

- **Contradictory stands taken by MoEF** in interpreting the Notification.

**Glaring Example :** Stand taken by Tsunami affected states while rebuilding tourism infrastructure Vs. Rehabilitation of fishing community. 10



- **Ambiguities allowed to prevail in the Notification: No attempt undertaken to clarify through these amendments.**

*Example:* Following have not yet been clarified:

- a. Key terms like “local inhabitants” and “traditional rights and customary uses”
- b. No process laid down for reclassification of CRZ areas. Of special relevance to island ecosystem like A&N Is lands and Lakshwadeep
- c. “Separate” procedure mentioned for clearance of projects of Dept. of Atomic Energy and Ministry of Defense not defined.
- d. Guidelines to location of “construction” has been restricted to buildings but no clarity in other type of “construction.”





# **Non-Compliance of CRZ: Arguments by State Governments**

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- Lack of adequate infrastructure and funding.
- Lack of maps in implementing scales and MoEF's support.
- No clarity of demarcation of HTL and LTL given by MoEF.
- Pressure of urbanization.
- Need of expansion of economic activities.
- Demarcation of NDZ of more than 50-70 mts is not international practice.

# Recent Developments: Proposal of MoEF

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- **Paradigm shift** from “CRZ” to “Vulnerability Mapping” – U.S. hegemony?? – MoEF said “based on the best practices adopted in countries such as the United States”.

## The Proposal:

- *CRZ based on high tide line not scientific.*
- *Plan to be based on the vulnerability line.*
- *Vulnerability line will be the setback line demarcated along the coast.*
- *It will be based on the hazard assessment of each coastal area.*
- *Committee has proposed four coastal management zones.*
- *The current practice of fixing CRZ based on HTL not the best of practices and is less scientific.*
- *Unlike the CRZ, the plan will be oriented towards managing resources, development and regulation.*



# Recent Developments *contd.....*

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- *Proposed 4 Coastal Management Zones (CMZ).*
  - CMZ I : Areas designated as ecologically sensitive.
  - CMZ II : Areas identified as Areas of Particular Concern such as economically important areas, high population areas and culturally/strategically important areas.
  - CMZ-III: All other open areas, including the coastal areas, excluding those areas classified as CMZ-I, CMZ-II
  - CMZ -IV. CMZ -IV pertains to the A&N islands and Lakshadweep.
- *The proposed vulnerability map is for the CMZ II and CMZ III.*
- *Part of the Central Act and State Governments need to make management plans.*
- *It is expected to discourage inconsistent interpretations.*
- **MoEF declared - shall be subjected to public scrutiny ?**



- Where is **Right to Information**?
  - The official website of MoEF has only published few and selected amendments.
  - MoEF has not yet issued the consolidated Notification in the Official Gazette.
  - The new proposal of MoEF VULNARIBILITY LINE is yet to surface in the official website.

*Need to be alert. Past experiences:*

- **Master Plans Made for tourism recommending CRZ Dilution**  
( *Example Sustainable tourism Plan for Andamans Islands- UNWTO & UNDP-an Initiative of MOT. )*
- **No consultative** processes
- **No regard** for people's aspirations
- **No support** for community enterprise; capacity building
- **Habitat fragmentation** from infrastructure

# **Concerns** contd.....

- **Denial of access** to coastal communities
- **Competition** over natural resources
- **Ecosystem** degradation
- **Thrust on privatization** and commercialization
- **Opening up** more ecologically sensitive coastal areas for tourism
- Putting up **large-scale infrastructure** to facilitate tourism activities and tourist movements **in ecologically sensitive coastal areas.**
- International agreements diluting domestic regulations.



# Recommendations

All concerned stakeholders in the coast unanimously voiced –  
**“Provisions of CRZ Notification must be implemented.”**

## To achieve that:

- All **SCZMAs and NCSMA should be reconstituted** with representation from the civil society.
- **A model** of creating District CZMA (empowered) as done by Karnataka.
- MoEF should **send notice to all coastal states** to submit CZMP immediately.
- **Legal action for non-compliance** shall be taken on default against the state governments and the concerned officials.
- **Development** of CZMP / CZMP should be a **multi-stakeholder process**.
- All SCZMA and the NCZMA must ***suo-moto*** disclose procedures followed in project clearance for each case within CRZ.



# Recommendations contd.....

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- The MoEF should take immediate steps to **resolve definitional ambiguities** in the notification (MoEF must add glossary).
- CRZ Notification do not relate to activities outside the CRZ -**need to review other laws** governing activities outside CRZ area that effect the coast.
- **Extend the jurisdiction of CRZ** to include the inter-tidal area in all zones.
- Urgent need to **extend the CRZ sea-ward** after detailed study on impact from land based activities.
- MoEF must **develop detailed critique** of the Central/State processes of granting clearance to projects proposed in CRZ.

# Recommendations contd.....



- **Mandatory EIA & SIA:** In the project clearance process in CRZ.
- **Coastal Land Settlements undertaken.**
  - Land titles to fisher folk dwellings
  - Grant titles to the existing fishing communities (those which existed before Tsunami).
  - CRZ-I Areas should be completely exempted.
  - Full participation of Fishing Panchayats in land titles settlement.

*Effect: Will check unplanned growth by local communities on the coast.*

- **Special attention:** To preserve sensitive coastal features like mangroves, coral reefs and sand dunes.
- MoEF should be persuaded to **review the Amendments** to the CRZ Notification to restore and strengthen its protective provisions-
- **Campaign and advocacy on the new proposal of MoEF- Immediate need.**
- **Need for investigating and monitoring the moves of MoEF.**

# *GLIMPSES*





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*Thank you*